

California Code of Regulations
Title 22. Social Security
Division 9. Prehospital Emergency Medical Services
Chapter 6. Process for EMT-I and EMT-II Certification Disciplinary Action

Article 1. Definitions

§ 100201. Certificate.

"Certificate" means a valid Emergency Medical Technician-I (EMT-I) or Emergency Medical Technician-II (EMT-II) certificate issued pursuant to Division 2.5.

NOTE: Authority cited: Sections 1797.62, 1797.107, 1797.176, and 1798.204, Health and Safety Code. Reference: Sections: 1797.80, 1797.82, 1797.210, 1797.216, and 1798.200, Health and Safety Code.

§ 100202. Certifying Authority.

"Certifying authority," as used in this chapter, means the medical director of a local EMS agency who, or the public safety agency that, issued the EMT-I or EMT-II certificate.

NOTE: Authority cited: Sections 1797.107, 1797.176, 1797.210, 1797.216 and 1798.204, Health and Safety Code. Reference: Sections 1797.62 and 1798.204, Health and Safety Code.

§ 100203. Division 2.5.

"Division 2.5" means Division 2.5 of the Health and Safety Code, the Emergency Medical Services System and Prehospital Emergency Medical Care Personnel Act.

NOTE: Authority cited: Sections 1797.107, 1797.176 and 1798.204, Health and Safety Code.
Reference: Section 1798.204, Health and Safety Code.

§ 100204. Investigative Review Panel.

"Investigative review panel" or "IRP" means an impartial advisory body, the members of which are knowledgeable in the provision of prehospital emergency medical care and local EMS system policies and procedures, which may be convened to review allegations against an applicant for, or the holder of, a certificate, assist in establishing the facts of the case, and provide its findings and recommendation to the medical director of a local EMS agency, in accordance with the process described in Section 100211 of this chapter.

NOTE: Authority cited: Sections 1797.107, 1797.176, and 1798.204, Health and Safety Code.

Reference: Section 1798.204, Health and Safety Code.

§ 100205. Multiple Certificate Holder.

"Multiple Certificate Holder" means a person who holds more than one valid certificate issued pursuant to Division 2.5.

NOTE: Authority cited: Sections 1797.107, 1797.176, and 1798.204, Health and Safety Code.

Reference: Sections 1797.62, 1797.80, 1797.82, 1797.210, 1797.216 and 1798.204, Health and Safety Code.

§ 100206. Relevant Employer(s).

"Relevant employer(s)" means those employers for whom the certificate holder works or was working at the time of the incident under review, as an EMT-I or EMT-II, either as a paid employee or a volunteer.

NOTE: Authority cited: Sections 1797.107, 1797.176 and 1798.204, Health and Safety Code.

Reference: Section 1798.204, Health and Safety Code.

Article 2. General Provisions

§ 100207. Application of Chapter.

(a) The medical director shall adhere to the provisions of this chapter when implementing any of the following disciplinary actions:

- (1) Denying a certificate;
- (2) Placing a certificate holder on probation;
- (3) Suspending a certificate; or
- (4) Revoking a certificate.

(b) In order to place a certificate holder on probation or deny, suspend, or revoke a certificate, the medical director must first determine there exists a threat to the public health and safety, as evidenced by the occurrence of any of the actions listed in Section 1798.200(c) of Division 2.5 by the applicant or certificate holder.

(c) An application for certification or recertification shall be denied without prejudice and does not require an IRP, when an applicant does not meet the requirements for certification or recertification, including but not limited to, failure to pass a certification or recertification examination, lack of sufficient continuing education or documentation of a completed refresher course, failure to furnish additional information or documents requested by the certifying authority, or failure to pay any required fees. The denial shall be in effect until all requirements for certification or recertification are met. If a certificate expires before recertification requirements are met, the certificate shall be deemed a lapsed certificate and subject to the provisions of a lapsed certificate.

(d) Nothing in this chapter shall be construed to limit the authority of a base hospital medical director to provide supervision and medical control for prehospital emergency medical care personnel, as specified in local medical control policies and procedures, developed pursuant to requirements of Division 2.5 and of Chapters 3 and 4 of this division for medical control and supervision.

NOTE: Authority cited: Sections 1797.107, 1797.176 and 1798. 204, Health and Safety Code.

Reference: Sections 1797.176, 1797.202, 1797.210, 1797.220, 1798, 1798.100, 1798.102, 1798.200 and 1798.204, Health and Safety Code.

§ 100208. Substantial Relationship Criteria for the Denial, Placement on Probation, Suspension, or Revocation of a Certificate.

(a) For the purposes of denial, placement on probation, suspension, or revocation of a certificate, pursuant to Section 1798.200 of Division 2.5, a crime or act shall be considered to be substantially related to the qualifications, functions, or duties of a certificate holder if to a substantial degree it evidences present or potential unfitness of a certificate holder to perform the functions authorized by the certificate in a manner consistent with the public health and safety.

(b) For the purposes of a crime, the record of conviction or a certified copy of the record shall be conclusive evidence of such conviction.

(1) "Crime" means any act in violation of the penal laws of this state, any other state, or federal laws.

This also means violation(s) of any statute which impose criminal penalties for such violations.

(2) "Conviction" means the final judgement on a verdict of finding of guilty, a plea of guilty, or a plea of nolo contendere.

NOTE: Authority cited: Sections 1797.107, 1797.176, 1798.200, and 1798.204, Health and Safety Code. Reference: Sections 1797.176, 1797.210, 1797.216, 1797.220, and 1798.200, Health and Safety Code.

§ 100209. Jurisdiction of Medical Director.

(a) The medical director may take disciplinary action, according to the provisions of this chapter, against a certificate holder for which any of the following conditions is true:

(1) the certificate was issued by the local EMS agency for which s/he is the designated medical director, or

(2) the certificate holder utilizes or has utilized the certificate or the skills authorized by the certificate,

including certificates issued by public safety agencies, within the jurisdiction of that medical director.

(b) For an action against a multiple certificate holder, the medical director shall determine, according to the circumstances of the case and the nature of the threat to the public health and safety, whether the action shall apply to one certificate or multiple certificates.

(c) If the medical director takes any disciplinary action which affects a certificate, the medical director shall notify the EMS Authority of the findings of the investigation and the disciplinary action taken using Form EMSA-CRI (1/93).

NOTE: Authority cited: Sections 1797.107, 1797.176, and 1798.204, Health and Safety Code.

Reference: Sections 1797.90, 1797.202, 1797.216, 1797.220, 1798, 1798.200 and 1798.204, Health and Safety Code.

Article 3. Evaluation and Investigation.

§ 100210. Evaluation of Information.

(a) The medical director shall evaluate information received from a credible source, including information obtained from an application, medical audit or complaint, alleging or indicating the possibility of a threat to the public health and safety by the action of an applicant for, or holder of, a certificate issued pursuant to Division 2.5.

(b) If the medical director determines, following evaluation of the information, that further inquiry into the situation is necessary or that disciplinary action may be warranted, the medical director may conduct an investigation of the allegations.

NOTE: Authority cited: Sections 1797.107, 1797.176, and 1798.204, Health and Safety Code.

Reference: Sections 1797.90, 1797.176, 1797.202, 1797.220, 1798, 1798.200 and 1798.204, Health and Safety Code.

§ 100211. Use of an Investigative Review Panel (IRP)

- (a) If, at any time during the medical director's review or investigation, the medical director determines, in his/her expert opinion, that the facts support placing a certificate holder on probation or the denial, suspension, or revocation of a certificate, the medical director may convene an IRP to assist in establishing the facts of the case and to report its findings and recommendation to the medical director. Prior to the IRP hearing, the medical director shall not discuss the case with any IRP member.
- (b) If the medical director does not convene an IRP prior to making a final decision to place a certificate holder on probation or deny, suspend, or revoke a certificate, the applicant for, or holder of, a certificate may, within fifteen calendar days of the date that written notification of the decision to take disciplinary action is received, request in writing that an IRP be convened. Within thirty days of receipt of such a request, the medical director shall convene an IRP to review the facts of the case and make a recommendation.
- (c) The IRP shall consist of at least three persons. IRP members must be knowledgeable in the provision of prehospital emergency medical care and EMS system policies and procedures, including all provisions of this chapter. One member of the IRP shall be mutually agreed upon by the certificate holder and the medical director, if the certificate holder so requests. The IRP shall not include the local EMS agency medical director, any staff of the local EMS agency, or anyone who submitted allegations against the certificate holder or was directly involved in any incident which is included in the investigation.
- (d) An IRP member shall voluntarily disqualify herself/himself and withdraw from any case in which s/he cannot accord a fair and impartial review. The applicant for, or holder of, a certificate may request, in writing within seven days of receipt of notice of the date of the IRP, the disqualification of any IRP member. The request must state the reasons upon which it is claimed that a fair and impartial review cannot be accorded. The medical director shall determine within three days of receipt of the request whether the evidence warrants approval of the request to disqualify the specified IRP member and so notify the requestor by certified mail prior to the date of the IRP.

(e) Prior to the conduct of the IRP hearing, the applicant or certificate holder who is under investigation or any representative of the applicant/certificate holder is prohibited from contacting any person chosen to serve on the IRP and IRP members are prohibited from contacting the applicant or certificate holder who is under investigation or any representative of the applicant/certificate holder.

(f) A notice, along with a copy of this chapter and any other policies or procedures established by the local EMS agency for implementation of the provisions of this chapter, shall be sent by certified mail to the certificate holder and his/her relevant employer(s) at least ten days prior to the IRP. The notice shall state the following:

- (1) the purpose of the IRP;
 - (2) membership of the IRP and provisions for disqualification of a member of the IRP;
 - (3) date, time, and location of the IRP review;
 - (4) applicant's/certificate holder's right to be present during the presentation of any testimony before the IRP;
 - (5) applicant's/certificate holder's right to call witnesses and to cross examine witnesses called by the medical director to give testimony before the IRP;
 - (6) applicant's/certificate holder's right to be represented by legal counsel at the IRP or to be accompanied to the IRP by any other person of the applicant's/certificate holder's choosing to provide advice and support; and
 - (7) applicant's/certificate holder's right to present an oral and/or written argument and present and rebut relevant evidence.
 - (8) applicant's/certificate holder's right to request that the IRP be open to the public.
- (g) A hearing record of the IRP proceedings shall be prepared and may be done by stenographic reporter or electronic recording.
- (h) The IRP shall be closed to the public unless the applicant/certificate holder requests the hearing be open to the public. However, a member of the IRP may order closure of all, or any part of, the proceedings for any of the following reasons:

- (1) To satisfy the federal or state Constitution, statute or other law, including but not limited to, laws protecting privileged, confidential, or other protected information.
- (2) To conduct the proceedings, including the manner of examining witnesses, in a way that is appropriate to protect a minor witness or a witness with a developmental disability, as defined in Section 4512 of the Welfare and Institutions Code, from intimidation or other harm, taking into account the rights of all persons.
- (i) The IRP shall assess all the available information on the matter in order to establish the facts of the case and shall make a written report of its findings and recommendation to the medical director. The report shall be submitted to the medical director within fifteen days of the date of the IRP review.
- (j) In lieu of an IRP, the local EMS agency may contract with the Office of Administrative Hearings of the State of California for the services of an administrative law judge or a hearing officer to conduct proceedings pursuant to this chapter.

NOTE: Authority cited: Sections 1797.107, 1797.176 and 1798.204, Health and Safety Code. Section 27727, Government Code. Reference: Sections 1797.90, 1797.160, 1797.176, 1797.202, 1797.220, 1798, 1798.200 and 1798.204, Health and Safety Code.

Article 4. Determination and Notification of Action

§ 100212. Determination of Disciplinary Action by Medical Director.

- (a) The medical director shall determine what disciplinary action, if any, relative to the individual's certificate(s) shall be taken as a result of the findings of the investigation.
- (b) Upon determining the disciplinary action to be taken relative to an individual's certificate(s), the medical director shall complete, and place in the record, a statement certifying the decision made by him/her and the date the decision was made. The decision must contain findings of fact and a determination of issues, together with the disciplinary action and the date the disciplinary action shall take effect. An immediate suspension shall take effect upon the date the notice required by Section

100213 of this chapter is mailed to the certificate holder. For all other disciplinary actions, the effective date shall be thirty days from the date the notice is mailed to the applicant for, or holder of, a certificate unless an IRP is requested. If an IRP is requested, the effective date of the disciplinary action shall be thirty days from the date the notification is mailed to the applicant for, or holder of, a certificate of the medical director's final decision following the IRP. The statement shall include the signature of the medical director, the date signed, and the location where the statement was signed.

NOTE: Authority cited: Sections 1797.107, 1797.176 and 1798.204, Health and Safety Code.

Reference: Sections 1797.176, 1797.202, 1797.220, 1798, 1798.200 and 1798.204, Health and Safety Code.

§ 100213. Immediate Suspension.

- (a) A medical director may immediately suspend a certificate if, in the opinion of the medical director, immediate suspension is necessary to ensure the public health and safety.
- (b) Prior to or concurrent with initiation of an immediate suspension of a certificate, the certificate holder and his/her relevant employer(s), shall be notified as specified in Section 100217 of this chapter. The notice shall be served by certified mail or in person.
- (c) An individual whose certificate has been immediately suspended may request an IRP, if an IRP was not held prior to the immediate suspension. Such a request must be made in writing to the medical director and sent by certified mail within fifteen days from the date written notification of the immediate suspension is received.
- (d) In addition to the provisions of this section, the IRP convened to review the case for an immediate suspension shall operate pursuant to the requirements, with the exception of the time frames, for an IRP described in Section 200211 of this chapter.
- (e) Within fourteen days of receipt of the certificate holder's request, the medical director shall convene an IRP to review the facts which prompted the immediate suspension of the individual's certificate.
- (f) The medical director shall present evidence for review by the IRP that prompted the immediate

suspension.

(g) Within seven days of the IRP review of the facts which prompted the immediate suspension, the certificate holder shall be notified, by certified mail, of the IRP's findings and recommendation and the medical director's decision regarding continuation of the suspension.

NOTE: Authority cited: Sections 1797.107, 1797.176 and 1798.204, Health and Safety Code.

Reference: Sections 1797.90, 1797.160, 1797.176, 1797.202, 1797.220, 1797.220, 1798, 1798.2, 1798.100, 1798.200, and 1798.204, Health and Safety Code.

§ 100214. Placement of a Certificate Holder on Probation.

Pursuant to Section 100207, the medical director may place a certificate holder on probation any time an infraction or performance deficiency occurs which indicates a need to monitor the individual's conduct in the EMS system in order to protect the public health and safety. The term of the probation and any conditions, such as satisfactory completion of remedial training, shall be determined by the medical director based on the facts of the case. The individual's performance shall be reviewed periodically during the probationary period, in accordance with local EMS agency policies and procedures.

NOTE: Authority cited: Sections 1797.107, 1797.176 and 1798.204, Health and Safety Code.

Reference: Sections 1797.176, 1797.202, 1797.220, 1798, 1798.200 and 1798.204, Health and Safety Code.

§ 100215. Suspension of a Certificate.

(a) The medical director may suspend an individual's EMT-I or EMT-II certificate for a specified period of time for actions listed in Section 1798.200(c) of Division 2.5 in order to protect the public health and safety.

(b) The term of the suspension and any conditions for reinstatement, such as satisfactory completion of remedial training, shall be determined by the medical director based on the facts of the case.

(c) Upon the expiration of the term of suspension, the individual's certificate shall be reinstated if all conditions for reinstatement have been met. If the conditions for reinstatement have not been met, or the individual cannot demonstrate that s/he retains the necessary knowledge and skills or it can be proven the individual practiced emergency medical care, pursuant to the certificate under suspension, during the term of suspension, the medical director shall continue the suspension until all conditions for reinstatement have been met.

(d) If the suspension period will run past the expiration date of the certificate, the individual must meet the recertification requirements for certificate renewal prior to the expiration date of the certificate.

NOTE: Authority cited: Sections 1797.107, 1797.175, 1797.176 and 1798.204, Health and Safety Code. Reference: Sections 1797.176, 1797.202, 1797.220, 1798, 1798.200 and 1798.204, Health and Safety Code.

§ 100216. Denial or Revocation of a Certificate.

(a) The medical director may deny or revoke any EMT-I or EMT-II certificate for any actions listed in Section 1798.200(c) of Division 2.5.

(b) The medical director of a local EMS agency may deny an application for a certificate from any person whose certificate has been denied or revoked, for any actions listed in Section 1798.200(c) of Division 2.5, unless that person submits documentation which, in the opinion of the medical director, demonstrates that the threat to the public health and safety, which was the basis for the denial or revocation, is no longer applicable.

(c) Any person who has ever had a certificate or authorization or other health care certificate or license denied or revoked for any actions listed in Section 1798.200(c) of Division 2.5 shall report that denial or revocation at any time s/he applies for any certificate. Failure to report may be grounds for denial, suspension or revocation of a certificate.

Authority cited: Sections 1797.107, 1797.176 and 1798.204, Health and Safety Code. Reference: Sections 1797.176, 1797.202, 1797.220, 1798, 1798.200 and 1798.204, Health and Safety Code.

§ 100217. Notification of Action.

(a) For all action other than an immediate suspension, the medical director shall notify the applicant/certificate holder and his/her relevant employer(s) of the disciplinary action within ten days after making the final determination of what that action shall be.

(b) The notification shall be served by certified mail or in person and shall include the following information:

- (1) the specific allegations or evidence which resulted in the disciplinary action;
- (2) a summary of the findings of the investigation, including the findings and recommendation of the IRP, if one was convened;
- (3) the disciplinary action(s) to be taken, and the effective date(s) of the action(s), including the duration of the action(s);
- (4) which certificate(s) the action applies to in cases of multiple certificate holders;
- (5) a statement that the certificate holder must report the disciplinary action to any other local EMS agency in whose jurisdiction s/he uses the certificate;
- (6) if the certificate holder has been placed on probation, a statement that, during the probationary period, the certificate holder must report the probation if s/he applies for certification or accreditation from another certifying authority or local EMS agency;
- (7) if the certificate has been suspended, a statement that the certificate holder must report that suspension if s/he applies for any certification or accreditation from another certifying authority or local EMS agency; or
- (8) if the certificate has been denied or revoked, a statement that s/he must report that action if s/he applies for any certification or accreditation from another certifying authority or local EMS agency, and that his/her application may be denied unless s/he presents documentation which, in the opinion of the medical director of the local EMS agency, demonstrates that the threat to the public health and safety which was the basis for the denial or revocation is no longer applicable.

(9) within fifteen days of receipt of the final decision, the individual's right to file with the local EMS agency, in writing and by certified mail, a response to the final decision in which the individual may:

(A) concur with the disciplinary action; or

(B) request an IRP review of the disciplinary action if no IRP was convened.

(10) information on the IRP process, a copy of this chapter, and a copy of any local policies and procedures developed for local implementation of this chapter.

NOTE: Authority cited: Sections 1797.107, 1797.176 and 1798.204, Health and Safety Code.

Reference: Sections 1797.160, 1797.176, 1797.202, 1797.220, 1798, 1798.200 and 1798.204, Health and Safety Code.

Article 5. Local Responsibilities.

§ 100218. Development of Local Policies and Procedures.

(a) Each local EMS agency shall develop and adopt policies and procedures for local implementation of the provisions herein. All local policies and procedures so adopted must be in accordance with these provisions and must address all of the requirements of this chapter.

(b) After the adoption of local policies and procedures for the implementation of the provisions herein, the local EMS agency shall submit a copy of those policies and procedures, and any subsequent revisions to the policies and procedures, to the EMS Authority. The EMS Authority shall review the policies and procedures to verify that policies adopted address all of the requirements and are in accordance with the provisions of this chapter. The EMS Authority will advise the local EMS agency of the results of the review.

NOTE: Authority cited: Sections 1797.107, 1797.176 and 1798.204, Health and Safety Code.

Reference: Sections 1797.176, 1797.202, 1797.220, 1798, 1798.200, and 1798.204, Health and Safety Code.